



PATENT
Docket No. SSI-011

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H.G.J
12/24/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANT(S): *Wilkie et al.*

DEC 20 2002

SERIAL NO.: 09/747,293

GROUP NO.: 1653

TECH CENTER 1600/2900

FILING DATE: December 22, 2000 EXAMINER: Roy R. Teller

TITLE: Methods and Composition for Sealing Tissue Leaks

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is in response to the Office Action mailed on September 10, 2002 in the patent application identified above. A petition and requisite fee for a two-month extension of time small entity are enclosed herewith.

Applicants provisionally elect the claims of Group III (namely claims 82-86, 89-90 and 97) with traverse. Specifically, Applicants respectfully request that the claims of Group II (namely claims 42, 49-51, 56-62) be examined along with the claims of Group III. Applicants' traversal is based on the fact that a search for art relating to the claims of Group III would yield art, if any, relating to the claims of Group II. Indeed, the claims of Group III recite a composition for use as a tissue sealant or adhesive comprising a protein solution, and the claims of Group II recite a kit for producing a protein-based tissue adhesive or sealant comprising a protein preparation and a crosslinker preparation. Therefore, Applicants respectfully submit that no serious burden exists for the Examiner to examine the claims of Group II along with the claims of Group III, since one search would reveal art, if any, relating to both Groups of claims.

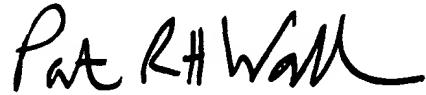
Section 803 of the M.P.E.P. states that if a search and examination of an entire application can be made without serious burden, the Examiner must examine the entire

application on the merits. Accordingly, Applicants believe that the restriction of Groups II and III is improper and should be withdrawn. Reconsideration is respectfully requested.

CONCLUSION

If the Examiner believes that a conversation with Applicants' attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at the telephone number below.

Respectfully submitted,



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Date: December 10, 2002
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